

ORDINANCE NO. 25-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND PLACING LAND PRESENTLY ZONED SINGLE-FAMILY RESIDENTIAL (R-1-AA) DISTRICT TO SINGLE-FAMILY RESIDENTIAL (R-1-AB) DISTRICT; SAID LAND LOCATED AT 2201 NORTH SWINTON AVENUE, 2275 NORTH SWINTON AVENUE, 2315 NORTH SWINTON AVENUE, AND AN UNADDRESSED PARCEL NORTH OF 2315 NORTH SWINTON AVENUE; ALL PARCELS ARE CONTIGUOUS, CONTAIN A TOTAL OF 5.1844 ACRES, AND ARE GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTH SWINTON AVENUE AND NE 22ND STREET AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE “CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017”; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the properties hereinafter described are shown on the City of Delray Beach Zoning Map, dated June 29, 2017, as being zoned Single-Family Residential, R-1-AA; and,

WHEREAS, Richard McGloin is the fee simple owner of a parcel of land located at 2201 North Swinton Avenue (hereinafter referred to as “Parcel 1”), more particularly described in Exhibit A, attached hereto and incorporated herein; and,

WHEREAS, Richard and Robyn McGloin (collectively referred to as the “McGloins”) are the fee simple owners of a parcel of land located at 2275 North Swinton Avenue, (hereinafter referred to as “Parcel 2”), more particularly described in Exhibit A; and,

WHEREAS, Christopher and Beth Brown (collectively referred to as the “Browns”) are the fee simple owners of three parcels of land. Two parcels, (hereinafter referred to as “Parcel 3” and “Parcel 4”), more particularly described in Exhibit A, comprise the property located at 2315 North Swinton Avenue. The third parcel also owned by the Browns, (hereinafter referred to as “Parcel 5”), more particularly described in Exhibit A, is located to the north of the parcels at 2275 North Swinton Avenue, and adjacent to North Swinton Avenue, north of NE 22nd Street. No address has been formally assigned to Parcel 5; and,

WHEREAS, the parcels are contiguous and comprise a total of 5.1844 acres; and,

WHEREAS, the McGloins and the Browns have granted permission to Atlantic Realty Development, LLC, to request a rezoning of the subject properties from Single-family Residential (R-1-AA) to Single-family Residential (R-1-AB) on their behalf; and,

WHEREAS, at its meeting of July 15, 2019, the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, considered this item at a public hearing and voted ____ to ____ to recommend that the property hereinafter described be rezoned, based upon positive findings; and,

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c) the Planning and Zoning Board, sitting as the Local Planning Agency, has determined that the changes are consistent with and further the objectives and policies of the Comprehensive Plan; and,

WHEREAS, the City Commission of the City of Delray Beach finds the ordinance is consistent with the Comprehensive Plan; and,

WHEREAS, it is appropriate that the Zoning District Map of the City of Delray Beach, Florida, be amended to reflect the revised zoning classification for the subject properties.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH FLORIDA, AS FOLLOWS:

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That the Zoning District Map of the City of Delray Beach, be, and the same is hereby amended, to reflect a zoning classification of Single-family Residential (R-1-AB), for the following described property:

See Exhibit “A” attached.

Section 3. That the Development Services Department of the said City shall, upon the effective date of this Ordinance, amend the City of Delray Beach Zoning Map, to conform with the provisions of Section 2 hereof.

Section 4. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 5. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 6. That this ordinance shall become effective upon approval of the second reading of this ordinance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

PASSED AND ADOPTED in regular session on second and final reading on this ____ day of _____, 2019.

ATTEST:

Shelly Petrolia, Mayor

City Clerk

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

BY: _____
Lynn Gelin, City Attorney

Exhibit “A”

Legal Description – Overall Site

PARCEL 1:

THE EAST 130 FEET OF THE WEST 150 FEET OF THE SOUTH 195 FEET OF THE SOUTH HALF (S 1/2) OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4), AND THE EAST 50 FEET OF THE WEST 200 FEET OF THE SOUTH 180 FEET OF THE SOUTH HALF (S 1/2) OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) IN SECTION 4, TOWNSHIP 46 SOUTH, RANGE 43 EAST, LESS RIGHT-OF-WAY ON SOUTH SIDE AS SET FORTH IN DEED BOOK 887, PAGE 349, AND LESS RIGHT-OF-WAY AS IN OFFICIAL RECORD BOOK 1671, PAGE 938, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

SOUTH HALF (S 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SOUTHWEST QUARTER (SW 1/4) OF SOUTHWEST QUARTER (SW 1/4) LESS THE SOUTH 195.00 FEET (S-195') OF EAST 130.00 FEET (E-130') OF WEST 150.00 FEET (W-150') AND THE SOUTH 180.00 FEET (S-180') OF THE EAST 150.00 FEET (E-150') OF WEST 300.00 FEET (W-300') AND SOUTH TWO-FIFTHS (S 2/5) OF NORTH HALF (N 1/2) OF NORTHWEST QUARTER (NW 1/4) OF SOUTHWEST QUARTER (SW 1/4) OF SOUTHWEST QUARTER (SW 1/4) LESS EAST 340.00 FEET (E-340') IN SECTION FOUR (4), TOWNSHIP 46 SOUTH, RANGE 43 EAST, AS RECORDED IN PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION LYING WITHIN SWINTON AVENUE, AS SHOWN ON ROAD PLAT BOOK 3, PAGE 250, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH EAST 100.00 FEET OF WEST 300.00 FEET OF SOUTH 180.00 FEET OF SOUTH HALF OF NORTH-HALF OF SOUTHWEST QUARTER OF SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 46 SOUTH, RANGE 43 EAST, LESS RIGHT-OF-WAY ALONG SOUTH SIDE OF PROPERTY AS SET FORTH IN DEED BOOK 887, PAGE 349, PALM BEACH COUNTY RECORDS.

PARCEL 3:

THE NORTH 68.51 FEET OF THE WEST 325.77 FEET OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 4, TOWNSHIP 46 SOUTH, RANGE 43 EAST, SAID LANDS SITUATE AND LYING IN PALM BEACH COUNTY, FLORIDA.

PARCEL 4:

A PARCEL OF LAND IN SECTIONS 4 AND 5, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE LINE BETWEEN SECTIONS 4 AND 5, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AND THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 4; THENCE DUE SOUTH (ASSUMED), ALONG THE SAID LINE BETWEEN SECTIONS 4 AND 5, A DISTANCE OF 76 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE HEREIN DESCRIBED; THENCE SOUTH 89 DEGREES 41'50" WEST, PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHEAST

ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 58.59 FEET, MORE OR LESS, TO A POINT IN THE EASTERLY RIGHT-OF-WAY LINE OF SWINTON AVENUE AS PRESENTLY LAID OUT AND IN USE; THENCE SOUTH 10 DEGREES 52'17" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 132.24 FEET, THENCE NORTH 89 DEGREES 41'50" EAST, A DISTANCE OF 33.49 FEET, MORE OR LESS, TO A POINT IN THE SECTION LINE AFOREDESCRIBED; THENCE SOUTH 89 DEGREES 53'10" EAST, PARALLEL TO THE AFORESAID SOUTH LINE OF THE SOUTHWEST

ONE-QUARTER (SW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 4, A DISTANCE OF 326.24 FEET TO A POINT IN A LINE 340 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SAID SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 4; THENCE NORTH 0 DEGREES 27'47" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 137.49 FEET, THENCE NORTH 89 DEGREES 53'10" WEST, A DISTANCE OF 325.78 FEET, MORE OR LESS, TO A POINT IN THE AFOREMENTIONED SECTION LINE; THENCE DUE SOUTH, A DISTANCE OF 7.49 FEET TO THE POINT OF BEGINNING AFOREDESCRIBED.

PARCEL 5:

A PARCEL OF LAND LYING IN SECTION 4 AND 5, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF LINE BETWEEN SECTION 4 AND 5, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA AND THE SOUTH LINE OF THE SW 1/4 OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 4; THENCE EASTERLY ALONG SAID SOUTH LINE OF THE SW 1/4 OF THE NW 1/4 OF THE SW 1/4 OF SECTION 4, A DISTANCE OF

105.49 FEET MORE OR LESS TO THE SW CORNER OF THE PLAT OF LAKE HEIGHTS AS RECORDED IN PLAT BOOK 23, PAGE 206, PALM BEACH COUNTY PUBLIC RECORDS; THENCE N 0° 13' 30" W ON AN ASSUMED BEARING ALONG WEST BOUNDARY LINE OF SAID PLAT A DISTANCE OF 20.0 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF TANGERINE TRAIL; THENCE N 89° 53' 00" W ALONG THE WESTERLY EXTENSION OF THE NORTH RIGHT OF WAY LINE OF TANGERINE TRAIL AND PARALLEL WITH THE SOUTH LINE OF THE SW 1/4 OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 4, A DISTANCE OF 105.52 FEET MORE OR LESS TO THE WEST LINE OF SAID SECTION 4; THENCE S 89° 4' 50" N ALONG A LINE OF 20.0 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SE 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SAID SECTION 5, A DISTANCE OF 76.82 FEET MORE OR LESS TO THE EASTERLY RIGHT OF WAY OF NORTH SWINTON AVENUE; THENCE S 10° 52' 17" E, ALONG THE EASTERLY RIGHT OF WAY LINE OF NORTH SWINTON AVENUE A DISTANCE OF 97.85 FEET, MORE OR LESS; THENCE NORTH 89° 41' 50" E, A DISTANCE OF 58.41 FEET MORE OR LESS, TO THE WEST LINE OF SAID SECTION 4; THENCE DUE NORTH ALONG THE WEST LINE OF SAID SECTION 4, A DISTANCE OF 76.00 FEET, MORE OR LESS TO THE AFOREDESCRIBED POINT OF BEGINNING. PARCELS 1 THROUGH 5 BEING MORE PARTICULARLY DESCRIBED AS:

A PARCEL OF LAND IN THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 4 AND THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST

ONE-QUARTER (SW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 4; THENCE RUN SOUTH 89°14'20" WEST ALONG THE SOUTH LINE OF SAID NORTHWEST ONE-QUARTER (NW 1/4) A DISTANCE OF 340.00 FEET; THENCE NORTH 01°05'57" WEST ALONG A LINE 340.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST ONE-QUARTER (NW 1/4), A DISTANCE

OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°05'57" WEST ALONG SAID PARALLEL LINE, A DISTANCE

OF 657.59 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF TANGERINE TRAIL AS SHOWN ON THE PLAT OF LAKE HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGE 206, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE RUN SOUTH 89°14'41" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE 220.01 FEET; THENCE NORTH

01°05'39" WEST ALONG THE WEST LINE OF SAID PLAT OF LAKE HEIGHTS, A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID TANGERINE TRAIL; THENCE SOUTH 89°14'51" WEST ALONG THE WESTERLY EXTENSION OF THE

AFOREMENTIONED NORTH RIGHT-OF-WAY LINE OF TANGERINE TRAIL, A DISTANCE OF 105.47 FEET TO A POINT ON THE WEST LINE OF SECTION 4, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88°48'56" WEST ALONG A LINE 20 FEET NORTH AND PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 43 EAST, A DISTANCE OF 76.86 FEET TO A POINT, SAID POINT LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF SWINTON AVENUE AS RECORDED IN ROAD BOOK 3, PAGES 250 THROUGH 251, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 11°44'10" EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 229.89 FEET; THENCE NORTH 88°48'56" EAST, DEPARTING SAID RIGHT-OF-WAY LINE OF SWINTON AVENUE, A DISTANCE OF 33.50 FEET TO A POINT ON THE EAST LINE OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 43 EAST; THENCE SOUTH 00°51'53" EAST ALONG SAID EAST LINE OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 43 EAST, A DISTANCE OF 182.79 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SWINTON AVENUE AS RECORDED IN ROAD BOOK 3, PAGES 250 THROUGH 251, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND SAID POINT BEING ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE WEST AND TO SAID POINT A RADIAL LINE BEARS NORTH 80°37'31" EAST; THENCE CONTINUE SOUTHERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 1816.53 FEET AND A CENTRAL ANGLE OF 07°43'27", AN ARC DISTANCE OF 244.89 FEET; THENCE NORTH 89°08'06" EAST, A DISTANCE OF 0.17 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST AND TO SAID A POINT A RADIAL LINE BEARS SOUTH 89°08'06" WEST; THENCE CONTINUE SOUTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 89°53'47", AN ARC DISTANCE OF 39.22 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF NORTHEAST 22nd STREET AS RECORDED IN OFFICIAL RECORD BOOK 887, PAGE 349, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 89°14'20" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 283.30 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 225,835 SQUARE FEET (5.1844 ACRES) MORE OR LESS.